APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,507	02/13/2002	Marco Peters	Q68452	7621

7590 04/19/2007 Sughrue Mion Zinn Macpeak & Seas 2100 Pennsylvania Avenue NW Washington, DC 20037-3213	**EXAMINER** CHRISTENSEN, SCOTT B

ART UNIT	PAPER NUMBER
2144	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/049,507	PETERS ET AL.
	Examiner	Art Unit	
	Scott Christensen	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 February 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18, 21-22, 24-25, 27-28, 30-31</u> is/are rejected.

7)☒ Claim(s) <u>19,20,23,26,29 and 32</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in regards to the most recent papers filed on 2/23/2006.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-18, 21-22, 24, 25, 27, 28, 30, and 31 are rejected under 35 U.S.C.

103(a) as being unpatentable over Gupta et al. in WO 99/60459, hereafter referred to as

"Gupta," in view of Ebrahim in EP 0817444 A2, hereafter referred to as "Ebrahim," and

further in view of McCann et al. in US Patent 6,052,725, hereafter referred to as

"McCann."

With regard to claim 1, Gupta discloses a telecommunication system for

receiving at least one control signal from a user via a terminal (Gupta: Abstract and

page 6, lines 15-17 and page 13, lines 3-17. Gupta discloses a client utilizing a browser

to provide a DNS resolver a web service name.) and comprising said terminal and a

network, said network being responsive to said at least one control signal for addressing

a memory comprising information to be supplied to said terminal and stored at at least

one memory (Gupta: Page 13, lines 13-27 and page 14, lines 1-19. Gupta discloses

that the DNS server responds, when appropriate, with data, a table of data, or a thin

client applet to the client browser.), said telecommunication system comprising a

generator for generating at least one address signal in response to said at least one

control signal in a user-dependent way (Gupta: Page 14, lines 4-25 and page 15, lines

1-15. Gupta discloses that a primary DNS server handles requests from other resolvers

such as request 207 as well as requests from a client browser resolver.). Gupta does

not disclose expressly that the memory provides different information to said user from

different memory locations depending on the address signal generated.

Ebrahim discloses that a memory provides different information to said user from

different memory locations depending on the address signal generated (Ebrahim:

Column 6, lines 25-58 and Column 7, lines 1-40).

Accordingly, it would have been obvious to a person of ordinary skill in the art to

have a memory providing different information to said user from different memory

locations depending on the address signal generated.

The suggestion/motivation for doing so would have been that doing so can

decrease congestion (Ebrahim: Column 1, lines 50-59).

McCann discloses dynamic IP addressing that enables dynamic IP addresses to

be re-used by different communications devices that connect to networks at different

times (McCann: Column 3, lines 5-25).

Accordingly it would have been obvious to a person of ordinary skill in the art to

have incorporated McCann's teachings with the teachings of Gupta and Ebrahim.

With regard to claim 3, Gupta as modified by Ebrahim teaches that at least one

part of said generator is located in said network (Gupta: (125) and (122). Gupta

teaches a local area network and the Internet, at least one of which would constitute the network as claimed.).

With regard to claim 4, Gupta as modified by Ebrahim teaches that at least one part of said generator performs said generating in dependence of a location signal to be generated via said network (Ebrahim: Column 4, lines 10-59 and Column 5, lines 1-59 and Column 6, lines 1-57).

With regard to claim 5, Gupta as modified by Ebrahim teaches that at least one part of said generator is located in said terminal (see rejection of claim 1, supra).

With regard to claim 6, Gupta as modified by Ebrahim teaches that in that said at least one part of said generator performs said generating in dependence of a further location signal to be generated via said terminal (Ebrahim: Column 3, lines 1-14).

With regard to claim 7, Gupta as modified by Ebrahim teaches a network (Gupta: Items (122) and (125)) for use in a telecommunication system for receiving at least one control signal from a user via a terminal and comprising said terminal and said network, said network being responsive to said at least one control signal for addressing a memory comprising information to be supplied to said terminal and stored at at least one memory location defined by at least one address signal in response to said at least one control signal in a user-dependent way, said memory providing different information to said user from different memory locations depending on the address signal generated (see rejection of claim 1, supra).

With regard to claim 8, Gupta as modified by Ebrahim teaches a termain for use in a telecommunications system for receiving at least one control signal from a user via

said terminal and comprising said terminal and a network, said network being responsive to said at least one control signal for addressing a memory comprising information to be supplied to said terminal and stored at at least one memory location defined by at least one address signal, said terminal comprising a generator for generating at least one address signal in response to said at least one control signal in a user-dependent way, said memory providing different information to said user from different memory locations depending on the address signal generated (see rejection of claim 1, supra).

With regard to claim 9, Gupta as modified by Ebrahim teaches a generator for use in a telecommunication system for receiving at least one control signal from a user via a terminal and comprising said terminal and a network, said network being responsive to at least one control signal for addressing a memory comprising information to be supplied to said terminal and stored at at least one memory location defined by at least one address signal, said telecommunication system comprising said generator for generating at least one address signal in response to said at least one control signal in a user-dependent way, said memory providing different information to said user from different memory locations depending on the address signal provided (see rejection of claim 1, supra).

With regard to claim 10, the instant claim is substantially similar to the subject matter in claims 1 and 7-9, and is rejected for substantially similar reasons.

With regard to claims 11-18, 21-22, 24-25, 27-28, and 30-31, the limitations of these claims are extremely well known in the art, thus the examiner takes Official Notice (MPEP 2144.03).

Allowable Subject Matter

4.   Claims 19-20, 23, 26, 29, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5.   Applicant's arguments filed 2/23/2006 have been fully considered but they are not persuasive.

With regard to applicant's arguments pertaining to the rejection of claims 1-10, appearing in page 3 of Applicant's remarks, applicant asserts that Gupta and Ebrahim fail to teach the provision of different information to different users who generate the same control signal, or to a single user who generates the same control signal at two different times.

With regard to claims 1, 7, 8, and 9, none of the instant claims require that different information be provided to different users who generate the same control signal, or to a single user who generates the same control signal at two different times. Rather, the claims require that the network be responsive to the control signal and that the system comprises a generator for generating at least one address signal in

response to said at least one control signal in a user-dependent way. The address

signal is then used to determine what information is provided by the memory. Nowhere

do the claims require that different information be provided to different users who

generate the same control signal, only that different information be provided from

different memory locations depending on the address signal generated. The address

signal is generated from the control signal, but the claim only requires that the generator

generate an address signal in response to at least one control signal. The independent

claims are silent as to how a user generates control signals, or exactly how the control

signal determines what information is presented. The independent claims are clearly

silent about "the provision of different information to two different users who generate

the same control signal or to a single user who generates the same control signal at two

different times." Claims 3-6, which depend from claim 1, are also silent about the

limitations that applicant argues with regards to claims 1-10. Although the claims are

interpreted in light of the specification, limitations from the specification are not read into

the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant also argues on pages 3-4 that there is a large gap left unexplained by

the assertion that incorporating the teachings of McCann with the teachings of Gupta

and Ebraham would have resulted in the subject matter of claim 1. As explained in the

preceding paragraph, there is no gap.

Applicant also asserts that the subject matter as presented in claims 11-12 (and

presumably 21, 24, 27, and 30), 13-14 (and presumably 22, 25, 28, and 31), 15-16, and

17-18 is not extremely well known in the art, and requests the Examiner to cite

documentary evidence supporting this assertion. Evidence of the assertion, though, can be construed from references already cited (namely, Ebrahim) when the claims are read with the broadest reasonable interpretation from the perspective of a person of ordinary skill in the art.

With regard to claim 11, the instant claim merely requires that two different address signals be generated in response to the same control signal received from two different users at two different locations. The two users just happen to receive different information in response to the same control signal. First, Ebrahim teaches that consistency implications exist with multiple bindings (see, for example, Ebrahim: Column 7, lines 54-55. If three servers are used for the same destination, the administrator has to be careful to ensure that any updates are reflected in all three servers. Otherwise, a control signal that is transmitted from two different users at two different locations (who would be served by different servers, thus resulting in two different address signals being generated in response to the control signals) would result in different information being sent to each of the two users if the information on the servers is not properly synchronized.). It is noted that the claim does not require the requests to be made at the same time, which results the claim limitation being met in instances where a first user makes a request before the information is updated, and the second user requests the information after the information is updated (Ebrahim: Column 8, lines 45-50. Most servers will update information found in a single URL in order to keep the information relevant.).

With regard to claim 13, the instant claim merely requires that two different address signals are generated in response to the same control signal received from the same user at two different locations. The user just happens to receive different information in response to the same control signal at each location. This claim limitation can be met in much the same way as claim 11, where in the case of synchronization problems (where servers that are represented by the same URL do not contain the same information for the same path), two servers (which can serve information based on geographic location) will provide different information in response to the same control signal (which would result in the generation of different address signals to request the information from the corresponding server).

With regard to claim 15, the instant claim merely requires that the generator generates two different address signals in response to the same control signal received from two different users at two different times at the same location. The user just happens to receive different information depending on the time the control signal is generated. As stated above, periodically information is updated in servers (see, for example, Gupta: Column 8, lines 45-50). In cases where the allocation to a server is not based solely on geography (see, for example, Gupta: column 7, lines 45-58), servers that are not correctly synchronized will provide different information, and the server would be selected partially based on time, making the presented information based on time. Likewise, in cases where the servers are properly synchronized, and where the first request is made before an update and the second request is made after

an update, the information that is received would depend on whether the request was made before or after the update (See the explanation of claim 11 for further details.).

With respect to claim 17, the instant claim is similar to claim 15 (except that the request is from the same user at two different times at a single location). The same arguments used for claim 15 apply equally to claim 17.

With regards to claims 12, 14, 16, and 18, each of the instant claims merely requires that the control signal is a URL. It is noted that Gupta utilizes DNS (Gupta: Abstract). DNS is used to map the domain name with an IP address. The domain name is the first part of a URL, with the second part being a path at the specific domain (so for www.domain.com/path/file, www.domain.com is the domain, and the remainder is the path). The domain part of the URL is translated using DNS (see, for example, the enclosed article from whatis.com titled "domain name.").

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
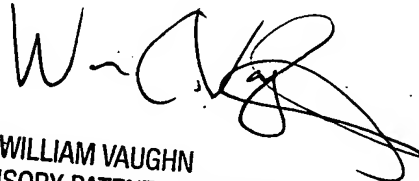
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571) 270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vaughn William can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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